

# O'TOOLE SCRIVO

A LIMITED LIABILITY COMPANY

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April 15, 2025

**Via ECF**

Honorable Michael A. Hammer, U.S.M.J.  
United States District Court  
District of New Jersey  
Martin Luther King Building & U.S. Courthouse  
50 Walnut Street, Rm. 2C  
Newark, NJ 07102

**Re: *In re Tingo Group, Inc. Derivative Litigation,*  
2:23-cv-20749-ES-MAH**

Dear Judge Hammer:

This firm represents Defendant John J. Brown in the above-referenced shareholder derivative action brought by Plaintiffs Michael Ford, Al Rago, and Jia Cheng (collectively, “Plaintiffs”) on behalf of Nominal Defendant Tingo Group, Inc. (“Tingo” or the “Company”). We write on behalf of Tingo and Defendants Robert Benton and Darren Mercer (collectively, with Plaintiffs, the “Parties”) to provide a joint status report pursuant to the Court’s text order from April 8, 2025 [ECF No. 96].

Over the last several days, the Parties have participated in active discussions regarding Plaintiffs’ proposed alternative approach to motion practice as raised in their April 4, 2025 letter [ECF No. 93.] These discussions are continuing. Further, the Parties met and conferred regarding an amended briefing schedule to Defendants’ motions to dismiss, which Defendants served on Plaintiffs on February 7, 2025 and have agreed on the following schedule:

- Plaintiffs’ opposition to any motions to dismiss to be served on or before June 16, 2025;
- Defendants’ reply briefs to be served on or before July 31, 2025; and
- The Parties to file their motion papers in the order they were served on August 1, 2025.

Consistent with the Consolidation Order entered on October 11, 2024 [ECF No. 66], the Stipulation and Order entered on November 26, 2024 [ECF No. 74], and the text order entered on April 3, 2025 [ECF No. 91], the Parties will serve, but not file, their respective motion to dismiss papers and will coordinate filing once the motions are fully briefed.

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If the Parties' proposal is acceptable, we respectfully request that Your Honor endorse this letter as "So Ordered" and have it entered on the docket.

We thank the Court for its time and attention to this matter. Counsel is available to answer any questions the Court may have.

Respectfully submitted,

*/s/ Joshua A. Zielinski*

Joshua A. Zielinski

cc: All Counsel of Record (via ECF)